

SUBJECT INDEX

A

Ability to comply, monitoring	10505.4, 10600.2
Absenteeism, effect on gross backpay	10533.4
Accounting assistance.....	10601.8
Administrative law judge's decision, compliance following	10505.7
Advertising for missing discriminatees.....	10548.2
Advice on compliance issues	10676
Advice, Division of, see Division of Advice	
Affirmative provisions of orders.....	10520
Allocation of backpay to calendar quarters	10550.2
Alter ego.....	10596.3(a)
Amendment, compliance specification	10625
Answer, compliance specification.....	10624
Appeals	
of compliance determination	10575.3
compliance proceedings pending	10505.10
Appellate Court Branch	
enforcement procedures.....	10585
situations requiring authorization or clearance, submission, notification, or consultation.....	10680.4
Armed forces	
addresses of locator services	10548.2
effect of military service on backpay	10546.6
effect of military service on reinstatement	10529.6
Veteran's Reemployment Rights Statute	10529.6
Assignments for the benefit of creditors	10610.11
Attachment of backpay.....	10635.8
Authorization required for Regional actions	10680

B

Backpay.....	10530–10550
collection, see Collection of backpay	
demand letter, sample.....	Appendix 4
disbursement procedures.....	10635
gross, see Gross backpay	
installment payments.....	10564.12, 10603
investigation procedures	10531
joint liability.....	10564.13
lump sum payments.....	10635.7
net	10550
sample calculation	10556

Subject Index

settlement	10564.4
tax consequences	10637
union liability.....	10536
treatment of taxes	10637.5, 10637.6
Backpay period, defined	10530.2(b)
Bank records	10601.3
Bankruptcy	10610
assignment for the benefit of creditors	10610.11
automatic stay	10610.1(c)
collective-bargaining agreements, rejection	10610.9
creditor.....	10610.1(b)
disclosure statement.....	10610.5
discovery, Rule 2004	10610.7
interest claimed	10610.3(f)
liquidation.....	10610.2(c)
meeting of creditors.....	10610.6
plan of reorganization.....	10610.5
priorities.....	10610.3(d)
proofs of claim.....	10610.1(a), 10610.3, 10610.4
Bargaining requirements.....	10526
Benefits	
treatment as gross backpay.....	10535
treatment as interim earnings.....	10541.4, 10541.5
Benefit funds	
make whole	10526.5
interest rates	10555.10
Board order, compliance following.....	10505.8
Broad order.....	10592.3(a)
Burden of proof	
compliance proceedings, see Compliance proceedings	
contempt proceedings.....	10590.1, 10590.2, 10592.3(b)
expenses	10544
gross backpay.....	10532.1
interim earnings	10540.1
mitigation	10545.1

C

Case Records Unit	10680.8
Certiorari, compliance while pending	10505.10
Clearance required for Regional actions.....	10680
Closing case procedures	10685
Collateral benefits	10542.1

Subject Index

Collection of backpay	
criteria for supplemental proceedings	10593.2
execution.....	10593.6(2)(A)
garnishment.....	10593.6(2)(C)
judgment liens.....	10593.4
inability to pay, see Inability to pay	
installment payments	11564.12, 10603
registration of judgment	10593.5
standard payment procedures	10635.1
Compliance determination.....	10575
Compliance hearing	10629
See also Compliance Proceedings	
Compliance officer	
defined.....	10500.3
testimony in compliance hearing	10628.1
Compliance proceedings.....	10620
burdens of proof	10621.4
compliance officer testimony	10630.1
criteria for initiating	10588.1, 10620.1, 10620.2
disclosure of information to respondents.....	10622.6
discriminatee testimony	10630.2
formal exhibits	10629.5
general counsel's case	10630
initiation of.....	10505
missing discriminatees.....	10629.4, 10629.7
preparation for hearing.....	10627, 10628
respondent's case	10631
subpoenas	10628.7
Compliance specification.....	10621
affirmative allegations	10621.5
amendment	10625
answer	10624
missing discriminatees	10621.7
notice to discriminatees	10622.5
notice to Division of Operations-Management.....	10622.4
preparation	10621
sample.....	10621.9, 10621.10, Appendix 14
service	10622.3
withdrawal.....	10626
Compliance status report.....	10673
Compliance stipulation.....	10620.5, Appendix 13
Consultation regarding Regional actions	10680

Subject Index

Contempt	10590–10592
backpay	10590.8, 10592.3(d), 10593.2
burden of proof.....	10590.1, 10590.2, 10592.3(b)
collection, see Collection	
criteria for recommending	10592.3
discovery	10593.6(1)
documentation of expenses.....	10592.6
injunctive relief, see Injunctions	
investigation	10590.2
private party initiation.....	10592.1(b)
procedures for recommending	10592.4
reinstatement issue.....	10527.7, 10590.9
Contempt Litigation Branch	
situations requiring authorization or clearance, submission, notification, or consultation.....	10680.2
Court costs	10522
Court order, compliance following	10505.9

D

Deceased discriminatees, see Discriminatees, deceased	
Derivative liability	10596
alter ego	10596.3(a)
fraudulent transfer	10596.3(g)
joint employer	10596.3(b)
personal liability	10596.3(f)
piercing corporate veil	10596.3(d)
successor	10596.3(c)
Determination of dispute, compliance following	10525
Disbursement of backpay	10635
escrow account, from.....	10645
standard procedures	10635.1
deceased discriminatees	10635.6
missing discriminatees.....	10645.8
Discharge from bankruptcy	10610.2(l)
Discharge from interim employment	10545.4
Disclosure of backpay information	10622.6
Discovery.....	10593.6(1)
Discriminatees	
advertising for	10548.2
attendance at educational institution	10546.5
concealment of interim earnings	10540.5

Subject Index

deceased	
compliance specification, treatment in.....	10621.8
compliance hearing, treatment in	10629.8
determining backpay for.....	10548.6
disbursing backpay on behalf of	10635.6
defined	10530.2(a)
discharge from interim employment	10545.4
illness or injury	
effect on backpay.....	10546.2
effect on reinstatement	10529.4
misconduct	
effect on backpay.....	10533.8
effect on reinstatement	10528.4
missing	
compliance specification, treatment in.....	10621.7
compliance hearing, treatment in	10629.7
determining backpay for.....	10548.4
escrow accounts for.....	10640, 10645.3
extinguishment of backpay entitlement	10646
reinstatement for	10529.7
searching for	10548.2
settlement on behalf of	10564.9
tolling backpay for.....	10548.3
obligation to mitigate.....	10545
quitting interim employment	10545.4
releases	10564.11
retired	10546.9
unavailable	
escrow accounts for	10645.3
for compliance hearing.....	10629.4, 10629.7
for employment.....	10546
for reinstatement	10529.4
uncooperative	
compliance specification, treatment in.....	10621.7
determining backpay for.....	10548.5
settlement on behalf of	10564.10
escrow accounts for	10645.3
undocumented aliens	10546.7
waivers	10564.11
Disestablishment of unlawfully recognized union.....	10526.6

Subject Index

Division of Advice	
situations requiring authorization or clearance, submission, notification, or consultation.....	10680.5
Division of Operations-Management	
situations requiring authorization or clearance, submission, notification, or consultation.....	10680.1
Division of Enforcement Litigation, Appellate Court Branch	
situations requiring authorization or clearance, submission, notification, or consultation.....	10680.4
Documentation	
expenses in contempt proceedings	10592.6
gross backpay.....	10531.3
interim earnings	10531.3, 10540.4
Dues reimbursement	10524
Dun and Bradstreet	10601.5

E

Enforced Board order, see Court order	
Enforcement	10585
bankruptcy situations	10610.11
criteria for recommending	10585.2
procedures for recommending	10585.4
Escrow accounts	10640
bankruptcy cases	10647
disbursement procedures.....	10645
Finance Branch	10640.2
interest bearing.....	10640.4
private banks	10640.5
Excusable overage case situations	10674
Expenses	
defined	10530.2(e)
effect on interim earnings.....	10544
reimbursable, see Reimbursement	

F

Family and Medical Leave Act of 1993	10529.4, 10546.3
Federal Debt Collection Procedures Act of 1990	10593.1
provisions for prejudgment relief	10594.2(a)
provisions regarding fraudulent transfer	10596.3(g)

Subject Index

Finance Branch

- situations requiring authorization or clearance, submission, notification, or consultation.....10680.6
- Formal settlement, compliance following.....10505.6
- Formal proceedings, see Compliance proceedings
- Former position, reinstatement to10527.2
- Formulas for determining gross backpay.....10532.2–10532.4
- Fraudulent transfer10596.3(g)
- Fringe benefits
 - treatment as gross backpay.....10535
 - treatment as interim earnings.....10541.4, 10541.5

G

- Gambling winnings, treatment as interim earnings10542.1
- Garnishment
 - of backpay awards10635.8
 - of respondent assets, see Collection of backpay
- Gifts, treatment as interim earnings10542.1
- Gross backpay10532
 - absenteeism10533.4
 - benefits10535
 - medical10535.2
 - retirement10535.3
 - other10535.1, 10535.7
 - burden of proof10532.1
 - defined10530.2(c)
 - discriminatee misconduct10533.8
 - formulas10532.2–10532.3
 - overtime10532.1, 10533.3
 - reduction in available employment10533.5
 - strikes and lockouts10533.6
 - tips10535.6
 - union respondent10536
 - vacation and holiday pay10535.5

H

Handicapped employees

- reinstatement10528.3, 10529.4
- backpay10546.2, 10546.4

Subject Index

Health and welfare benefits	
treatment as gross backpay.....	10535
treatment as interim earnings	10541.4
Housing	
treatment as gross backpay.....	10535.7
treatment as interim earnings	10541.5

I

Illegal aliens	10546.7, Appendix 3
Illness, see Discriminatees, illness	
Immigration Reform and Control Act of 1986.....	10546.7, Appendix 3
Inability to pay.....	10600
closing case when no means exist to pay.....	10605
investigation of	10590.8(d), 10601
Informal settlement agreement, compliance following	10505.5
Initiation of compliance proceedings.....	10505
Injunctions.....	10594
alternative to contempt.....	10592.3(g)
protection against dissipation of assets	10594.2(a)
criteria for initiating	10594.2(b)
procedures for initiating	10594.2(c)
Inspection of notices.....	10521.7
Installment payments.....	10564.12, 10603
Insurance benefits	
as a component of gross backpay	10535.4
as interim earnings.....	10541.4
Interest.....	10555
rates on backpay	10555.4
rates on benefit funds	10550.10
sample calculation	10556
Interim earnings	10540
allocation to calendar quarters	10550.2, 10550.3
benefits.....	10541.4, 10541.5
burden of proof	10540.1
carryover	10550.3
concealment of	10540.5
defined	10530.2(d)
discharge from interim employment	10545.4
documentation of	10540.4
loss of interim employment.....	10545.4
moonlighting	10542.4
not deductible from gross backpay	10542

Subject Index

quitting interim employment	10545.4
self-employment.....	10541.3
unavailable for	10546
under the table earnings	10541.2
Interim employment, see Interim earnings	
Internal Revenue Service	
means of locating missing discriminatees	10548.2
tax consequences of backpay awards.....	10637
Investigative subpoenas, see Subpoenas, investigative	

J

Joint employer.....	10596.3(b)
Joint liability	
derivative liability	10596
settlement considerations	10564.13
successorship, see Successors	
tax considerations	10637.5
Judgments, registration in district court.....	10593.5
Judgment liens	10593.4

K

L

Letter demanding backpay	10560.1, Appendix 4
Lexis/Nexis	10601.5
Liability, derivative, see Derivative liability	
Library and Records Management Branch	10680.9
Liens	
against backpay awards	10635.8
against respondents.....	10593.4
Locating missing discriminatees	10548.2
Lockout, backpay during	10533.6
Loss of interim employment	10545.4
Lump sum payment of backpay	10635.7

M

Military service, see Armed forces	
Misconduct	
effect on backpay.....	10533.8
effect on reinstatement	10528.4

Subject Index

Missing discriminatees, see Discriminatees, missing	
Mitigation.....	10545
burden of proof.....	10545.1
loss of interim employment.....	10545.4
settlement of mitigation issues.....	10564.6
unavailability for interim employment.....	10546
Monitoring ability to comply.....	10505.4, 10600.2
Moonlighting.....	10542.4

N

Negative provisions of orders	10515
Net backpay	10550
defined.....	10530.2(f)
allocation to calendar quarters	10550.2
Non-Board adjustments	10564.3
Noncompliance	10565
case closing procedures	10605
complaints of	10565
with Board order.....	10585
with court judgment	10588, 10590
with decision and determination of dispute.....	10582
with settlement agreement.....	10581
Noncooperative discriminatee, see Discriminatees, uncooperative	
Notices	10521
contempt considerations	10521.8
inspection of.....	10521.7
location.....	10521.2
side notices.....	10521.6
union posting requirements	10521.5
wording fixed.....	10521.1
Notification of Regional action required	10680

O

Offer of reinstatement, see Reinstatement, offer	
Office of Appeals	
situations requiring authorization or clearance, submission, notification, or consultation.....	10680.7
Operational goals	10672
Overage compliance case report	10673

Subject Index

- Overtime
 in gross backpay 10532.1, 10533.3
 in interim earnings 10542.3

P

- Payroll taxes 10637.1, 10637.2
 Pensions
 treatment as component of gross backpay 10535.3
 treatment as interim earnings 10541.4
 Personal liability 10596.3(f)
 Piercing corporate veil 10596.3(d)
 Plant shutdowns
 effect on backpay 10533.5, 10542.2
 effect on reinstatement 10528.2
 Posting notices, see Notices
 Power of attorney 10635.5, Appendix 15
 Preferential hiring 10528.2
 Pregnancy
 effect on backpay 10546.3
 effect on reinstatement 10529.4
 Preserve records 10523
 Protective restraining orders 10594.2

Q

- Quitting interim employment 10545.4

R

- Rates, see Interest
 Records to establish backpay and interim earnings 10531.3
 Registration of judgment 10593.5
 Reimbursement
 of dues 10524
 of medical expenses 10535.2
 Reinstatement 10527
 adequacy of offer 10529.2
 armed forces 10529.6
 contempt considerations 10527.7, 10590.9, 10620.6
 deadline for acceptance of offer 10529.4
 foreclosed 10528
 former position 10527.2

Subject Index

ill employees	10529.4
misconduct foreclosing	10528.4
missing employees	10529.7
refusal or rejection of offer	10529.8
settlement of reinstatement issues	10564.8
striking employees	
reinstatement rights	10527.4
reinstatement offered to	10529.5
substantially equivalent position	10527.3
unavailable for reinstatement	10529.4
undocumented aliens	10528.5
union respondent	10527.6
validity of offer	10529.2
waiver of offer	10529.8, 10564.8, 10564.11
Releases and waivers	10564.11
Remittance control procedures	Appendix 1
court costs	10522
escrow accounts	10640.3
Reports and administration	10670
Retirement	
availability for employment, effect on	10546.9
benefits	
treatment as gross backpay	10535.3
treatment as interim earnings	10541.4
Right to Financial Privacy Act	10590.2, 10593.6, 10601.3
customer notice form	Appendix 7
certificate of compliance form	Appendix 8

S

Search for missing discriminatees	10548.2
Search for interim employment	10545
Second jobs	10542.4
Section 11 subpoenas, see Subpoenas, investigative	
Seeking interim employment	10545
Self-employment	10541.3
Security agreements	10603, Appendix 10
Settlements	10564
agreement by parties	10564.3
authority of Regional Director to accept	10564.1
authorization by Division of Operations-Management	
required	10564.2
backpay issues	10564.4

Subject Index

concessions	10564.4, 10564.16
installments	10564.12
lump sum	10635.7
mitigation issues	10564.6
reinstatement issues	10564.8
waivers and releases	10564.11
Settlement stipulation	10603, Appendix 9
compliance following	10505.6
Self-employment as interim earnings.....	10541.3
Shutdowns	
effect on backpay.....	10533.5
effect on reinstatement	10528.2
Social Security	
credit for earnings.....	10637.4
documentation of earnings	10531.3
letter forwarding to missing discriminatees.....	10548.2
tax	10637.2, 10637.3
Special Litigation Branch	
situations requiring authorization or clearance, submission, notification, or consultation.....	10680.3
Stage 1 (Board order)	10672.2
Stage 2 (court judgment).....	10672.3
Stipulations	
compliance.....	10620.5, Appendix 13
other	10604
settlement.....	10603, Appendix 9
Strikes	
effect on backpay.....	10533.6
effect on reinstatement	10529.5
reinstatement rights of striking employees	10527.4
Specification, see Compliance specification	
Student status	10546.5
Submissions required regarding Regional actions	10680
Substantially equivalent position.....	10527.3
Subpoenas	
bank records.....	10601.3
compliance hearing	10628.7
investigative.....	10590.2, 10601.2, 10601.3
claims of privilege	10590.2
enforcement of	10590.2
Successor	10596.3(b)
compliance proceedings	
alleging.....	10621.5

Subject Index

pleadings	10621.3
service	10622.3
criteria for establishing liability.....	10596.3(c)
notice to potential successors.....	10592.8, 10594.3
Supreme Court proceedings	
compliance pending	10505.10
responsibility for	10586

T

Taxes	10637
Termination from interim employment.....	10545.4
Time targets	10672
Tips.....	10535.6
Tracing services	10601.7

U

Unavailability for interim employment.....	10546
attending school	10546.5
illness	10546.2
injury	10546.2
attributable to interim employment.....	10546.4
attributable to unfair labor practice.....	10546.4
military service	10546.6
pregnancy	10546.3
retirement	10546.9
Uncooperative discriminatee, see Discriminatees, uncooperative	
Under the table earnings.....	10541.2
Undocumented aliens	10528.5, 10546.7, Appendix 3
Unemployment compensation	10542.1
Union respondent	
gross backpay.....	10536
notice requirements.....	10521.5
reinstatement	10527.6
tax considerations	10637.5, 10637.6

Subject Index**V**

Vacation pay	
treatment as gross backpay.....	10535.5
treatment as interim earnings	10542.5
Veteran's Reemployment Rights Statute	10529.6

W

Waivers and releases	10564.11
Withdrawal from labor market	
effect on backpay.....	10546.8
effect on reinstatement	10527.5
Withholding of taxes	10637